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October 7, 2010

VIA ECF:

The Honorable Robert M. Levy
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: Hopkins et al v. National Railroad Passenger Corporation et al.,
Case No: 1:08-cv-2965-NGG-RML

Dear Magistrate Judge Levy:

We represent the plaintiffs, Brian Hopkins, Liana Hopkins and Sean Hopkins in this matter. I am writing on behalf of my clients as well as the defendants, through their counsel, to respectfully jointly request an amendment to the current scheduling order. The current scheduling order calls for a fact discovery deadline of October 29, 2010 with plaintiffs' and defendants' expert disclosure and reports due November 16, 2010 and December 28, 2010 respectively. Both parties respectfully request that this Court extend the current discovery deadline to March 29, 2011 with plaintiffs' and defendants' expert disclosure and reports due April 16, 2011 and May 28, 2011, respectively.

The deposition of Plaintiff, Brian Hopkins, has been conducted and Defendants have produced four witnesses from the MBTA thus far. The parties also have exchanged voluminous documents and have answered interrogatories. As grounds for the preceding request, counsel for both parties have made multiple attempts to schedule defendants' 30(b)(6) depositions but, due to various scheduling conflicts throughout the summer, including trials, were only able to recently obtain dates in the months of October and November. These depositions will allow plaintiffs the opportunity to obtain crucial information regarding their case and shall serve as a springboard to the discovery of other relevant information. Further, both parties are in the process of scheduling the depositions of plaintiffs Sean and Liana Hopkins and a non-party witness in Arizona within the next few weeks. The requested amendment would allow for both parties to adequately prepare for the defendants' dispositive motion and trial, if necessary, of this complicated case and therefore respectfully request the scheduling order be amended as requested above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Russell X. Pollock", written over a horizontal line.

Russell X. Pollock

cc: Cristi L. Fusaro, Esq.